

## Chapter 29 TOURISM\*

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**\*Editor's note**--Ord. No. 1998-174, §§ 1--29, substantially amended the provisions of this chapter. Section 29 of Ord. No. 1998-74 repealed former Art. VIII, §§ 29-291--29-306 in its entirety which pertained to pedal carriages and derived from Ord. No. 1992-22, § 1, adopted Feb. 25, 1992.

**Cross reference(s)**--Department of special facilities, § 2-246 et seq.; amusements, Ch. 4; Colonial Common and Ashley River Embankment, Ch. 9; Cypress Gardens, Ch. 10; planning, Ch. 23.

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### ARTICLE I. IN GENERAL

#### Sec. 29-1. Findings of fact.

The city council finds and declares that because the number of tourists coming to the city in recent years has increased dramatically, it is in the public interest that sightseeing vehicles, tour guides and certain commercial passenger vehicles which travel in the old city district and old and historic district of the city be regulated under the police power of the city. It is the purpose of such regulation to maintain, protect and promote the tourism industry and economy of the city and, at the same time, to maintain and protect the tax base and land values of the city, to reduce unnecessary traffic and pollution and to maintain and promote aesthetic charm and the quality of life for the residents of the city. The city council finds, further, that the numbers of unregulated tour vehicles and other commercial vehicles entering the city for the purpose of touring the historic districts are having adverse effects upon the health, safety and welfare of the citizens of the city and that traffic accidents, damage to property, traffic congestion and other problems require the enactment by the city of a comprehensive tourism management ordinance. The council also finds that responsibilities for tourism management are of sufficient scope and complexity to justify a separate ordinance and organizational entity from that required for the administration of the arts and history interests of the city.

(Ord. No. 1983-22, § 1, 5-10-83)

#### Sec. 29-2. Definitions.

Unless the context clearly requires otherwise, the following terms, where used in this chapter, shall have the following meaning:

*Amplifying device* shall mean any equipment or apparatus that broadens or magnifies the human voice, music or any other sound.

*Animal-drawn vehicle* shall mean a vehicle which meets the design standards of section 29-207 and is pulled by carriage horses, dray horses or mules and is used for the purpose of touring for hire.

*Articulated vehicles* shall mean any motorized vehicles that are comprised of a lead compartment having attached thereto one or more other compartmentalized sections, segments or other units that are designed primarily for transporting passengers

and which are sometimes referred to as "conch trains".

*Certificate of appropriateness* shall mean a certificate authorizing the use of a certain motor vehicle or animal-drawn vehicle for touring purposes.

*Charter route* shall mean an approved route of travel for certain touring vehicles on file in the office of the director of tourism.

*City building* shall mean any structure owned, operated, maintained or controlled by the City of Charleston.

*Commission* shall mean the city tourism commission.

*Districts* shall mean the old and historic district and the old city district.

*Large buses* shall mean passenger vehicles longer than twenty-five (25) feet but not longer than forty (40) feet in length and used for the purpose of touring.

*Old and historic district* shall mean that portion of the city that is so designated from time to time on the official zoning map of the city.

*Old city district* shall mean that portion of the city that is so designated from time to time on the official zoning map of the city.

*Per capita touring* shall mean the conduct of tours of individuals who are not affiliated with one another, as opposed to tours of organized groups.

*Perimeter route* shall mean an approved route of travel for certain touring vehicles on file in the office of the director of tourism.

*Private passenger automobile* shall mean a standard family passenger automobile, including a station wagon, used for the purpose of touring, and shall not include a van, panel truck or other vehicle.

*Public right-of-way* shall mean any street, highway, sidewalk, parkway or alley that is owned, controlled, maintained or operated by the city.

*Registered tour guide* shall mean a person who has passed the examination and received the certificate referred to in this chapter.

*Small bus* shall mean a vehicle larger than a private passenger automobile, but twenty-five (25) feet in length or less and used for the purpose of touring for hire.

*Temporary tour guide* shall mean a person who has passed the examination and received the certificate referred to in this chapter.

*Theme vehicles* shall mean any motorized vehicle which displays a subject or topic of discourse or of artistic representation, possesses a theme park-like appearance, or is manufactured prior to 1963 or any replica thereof including but not limited to trolleys, stagecoaches, double-decker buses or replicas thereof.

*Tour or touring* shall mean the conducting of or the participation in sightseeing in the districts for hire or in combination with a request for donations.

*Tour guide* shall mean any person who acts or offers to act as a guide for hire through any part of the districts, including but not limited to pedestrians and persons within automobiles, motor vehicles or horse-drawn vehicles when the primary purpose of riding in such vehicles is not transportation, but touring the historic areas of the city.

(Ord. No. 1983-22, §§ 3, 19, 25, 31, 37, 45, 57, 5-10-83; Ord. No. 1985-148, § 1, 12-17-85; Ord. No. 1995-488, § 2, 10-10-95; Ord. No. 1998-174, § 1--3, 9-22-98; Ord. No. 1999-134, § 1, 9-20-99)

**Cross reference(s)**--Rules of construction and definitions generally, § 1-2.

**Sec. 29-3. Operation of motorized vehicles by peddlers in the old and historic district.**

It shall be unlawful for any person to engage in the business of a peddler from any vehicle or trailer that is parked, placed or stopped in or upon any city street or in any parking space, right-of-way, driveway or sidewalk alongside of or next to any parking meter on any city street in the old and historic district in the city except as provided herein. The word "peddler," as used in this section, shall include any person traveling by motor vehicle, or any other type of conveyance, other than a hand-pushed cart, from place to place, from house to house, or from street to street, carrying, conveying, transporting goods, wares, merchandise, food, drinks, concessions, or provisions for sale, or making sales and delivering articles to purchasers; provided, however, the council finds that the area known as Robert Mills Manor is not generally impacted by tourist-related traffic, is an area that is less congested, and one in which the structures generally are not of similar age as other structures in the old and historic district and therefore excepts from the operation of this section the following streets:

- (1) *Logan Street* from Magazine to Beaufain.
- (2) *Magazine Street* from Logan to Franklin.
- (3) *Wilson* from Franklin to Beaufain.
- (4) *Cromwell Street* from Franklin to Smith.

(Code 1975, § 45-23; Ord. No. 1980-115, § 1, 10-28-80; Ord. No. 1998-174, § 4, 9-22-98)

**Sec. 29-4. Limitation on operation of vehicles on Battery and White Point Gardens.**

No peddlers shall operate in the area known as White Point Gardens and the Battery, or within one block of Murray Boulevard, or East Battery or South Battery between King Street and Murray Boulevard; provided, however, the city council may award a franchise for the sale of drinks or frozen ice products in such areas and under such terms and conditions as the city council may provide.

(Code 1975, § 45-24; Ord. No. 1980-115, § 2, 10-28-80)

**Sec. 29-5. Limitation on operation of vendors near churches or places of worship.**

No vendor may operate within fifty (50) feet of the entrance to any church or place of worship.

(Code 1975, § 45-25; Ord. No. 1980-115, § 3, 10-28-80)

Secs. 29-6--29-15. Reserved.

## **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

### **DIVISION 1. GENERALLY**

#### **Sec. 29-16. Appeals generally.**

Any citizen aggrieved by a decision or interpretation of the tourism director in enforcing this chapter may appeal such decision to the commission within fifteen (15) days after the tourism director issues a written decision. Such appeal shall be taken by filing with the tourism director and with the commission a written notice of appeal stating the grounds thereof. The tourism director shall immediately transmit to the commission all papers and matters constituting the record upon which the action appealed from was taken.

(Ord. No. 1983-22, § 73, 5-10-83; Ord. No. 1998-174, § 5, 9-22-98)

#### **Sec. 29-17. Hearing on suspension, revocation or appeal.**

- (a) Should the director serve notice of suspension or revocation of a license or certificate, the notice of suspension or revocation shall advise the holder of the time and location of the hearing and the right to present evidence and to be represented by counsel. The hearing shall be informal and the decision of the commission shall be final. Should the commission order the suspension or revocation of a certificate or should the holder fail to appear at the hearing, the suspension or revocation shall take effect at the closing of the hearing.
- (b) A hearing on an appeal shall be heard in a similar manner. The filing of an appeal to the commission shall stay all proceedings thereunder until a final decision of the commission is rendered.

(Ord. No. 1983-22, § 74, 5-10-83)

#### **Sec. 29-18. Appeal to council.**

Any person or persons jointly or severally aggrieved by a decision of the commission may appeal such decision to the city council within thirty (30) days after the commission issues a written decision.

(Ord. No. 1983-22, § 75, 5-10-83; Ord. No. 1998-174, § 6, 9-22-98)

#### **Sec. 29-19. Appeal of council's decision to court.**

- (a) Any person or persons jointly or severally aggrieved by any final decision of the city council may present to the court of common pleas a petition duly verified setting forth that the decision of the tourism commission is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the commission.
- (b) Upon the presentation of such petition, the court may allow a writ of certiorari directed to the tourism commission to review such decision of the tourism commission, and shall prescribe therein the time within which a return thereto must be made and served upon the petitioner or his attorney, which shall be not

less than thirty (30) days. The allowance of the writ shall not stay proceedings upon the decision appealed from unless the court, or proper application, grants a restraining order.

(Ord. No. 1983-22, § 76, 5-10-83)

Secs. 29-20--29-30. Reserved.

## **DIVISION 2. TOURISM COMMISSION\***

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**\*Cross reference(s)**--City boards and commissions generally, § 2-151 et seq.

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### **Sec. 29-31. Establishment.**

There is hereby created the City of Charleston Tourism Commission.

(Ord. No. 1983-22, § 4, 5-10-83)

### **Sec. 29-32. Membership; appointment; terms of office.**

The commission shall be appointed by the mayor upon the advice and consent of the city council and shall consist of fourteen (14) members including a chairman. Eight (8) members shall be persons who have demonstrated their knowledge and appreciation of the history and architecture of the city. Of these eight (8), at least four (4) shall be residents of the peninsular districts, three (3) shall be resident of other city districts and one shall be a member of the city council. One (1) member shall be a member of the business community or shall have otherwise demonstrated his or her knowledge of business, commerce and urban economics. Three (3) voting members shall be active participants in some tourism related association including but not limited to a downtown convention and visitors bureau, a hotel and motel association or a restaurant association. However, no person may serve as a member of the tourism commission if any business with which that person is associated is regulated by the commission. The mayor of the city shall be a member of the commission. He may be represented at city meetings by a personal voting representative. The term of office, after the initial members, for all members of the commission, except the mayor, shall be three (3) years. Members may be appointed for one additional three (3) year term, but no more. An appointment to fill a vacancy shall be only for the unexpired portion of the term. The chairman of the commission shall be appointed annually by the mayor. Any commission member who fails to attend three (3) consecutive meetings without an excuse from the chairman, or who fails to attend a total of seven (7) meetings in any calendar year, whichever occurs first, shall forfeit his or her seat.

For purposes of this section, the following definitions shall apply:

- (1) *Business* means a corporation, partnership, proprietorship, firm, an enterprise, a franchise, an association, organization, or a self-employed individual.
- (2) *Business with which he is associated* means a business of which the person or a member of his immediate family is a director, officer, owner,

employee, a compensated agent, or holder of stock worth one hundred thousand dollars (\$100,000.00) or more at fair market value and which constitutes five (5) per cent or more of the total outstanding stock of any class.

(3) *Immediate family* means:

- a. A child residing in the member's household;
- b. A spouse of a member; or an individual claimed by the member as a dependent for income tax purposes.

(Ord. No. 1983-22, § 5, 5-10-83; Ord. No. 1992-198, § 1, 11-10-92; Ord. No. 1998-174, § 7, 9-22-98)

### **Sec. 29-33. Duties and responsibilities.**

The commission shall:

- (1) Oversee the broad range of tourism-related matters that affect the economic and general welfare of the citizens of the city in order to ensure that visitors can enjoy the historic and cultural aspects of the city's heritage consistent with the maintenance of the environmental quality of life of its citizens;
- (2) Make such policy recommendations to the mayor and city council as will further the goals of tourism management, particularly in the areas of parking and routing of tourism-related traffic activities, the qualification and licensing of tour guides, the determination of vehicle appropriateness and the enforcement of tourism management regulations;
- (3) Hear appeals from the decisions of the director of the mayor's office of tourism;
- (4) Adopt rules for the conduct of its meetings;
- (5) Issue such regulations as the city council may, by ordinance, authorize;
- (6) Review the annual report of the director and recommend revisions to procedures as required; and
- (7) Monitor the enforcement and decisions of the tourism office to ensure consistency with long-term tourism planning goals; and
- (8) Have such other duties and responsibilities as the city council may from time to time direct.

(Ord. No. 1983-22, § 6, 5-10-83; Ord. No. 1998-174, §§ 8, 9, 9-22-98)

Secs. 29-34--29-44. Reserved.

## **DIVISION 3. OFFICE OF TOURISM**

### **Sec. 29-45. Established; director; personnel.**

There is established an office of tourism under the direction of the clerk of council. It shall be staffed with a director of tourism and such other personnel as may be provided for in the annual budget of the city.

(Ord. No. 1983-22, § 7, 5-10-83; Ord. No. 1998-174, § 10, 9-22-98)

**Sec. 29-46. Duties of director.**

The director of tourism shall:

- (1) Oversee the enforcement of the provisions of this chapter;
- (2) Act as staff to the commission;
- (3) Advise city council, the mayor and the commission on matters that affect tourism management in the city;
- (4) Coordinate the activities of the commission with related commercial activities, with neighborhood organizations and with appropriate civic groups; and
- (5) Make an annual report to the city council, the mayor and the commission on the activities of his office and the commission and the state of tourism in the city.

(Ord. No. 1983-22, § 8, 5-10-83)

Secs. 29-47--29-57. Reserved.

**ARTICLE III. TOUR GUIDES**

**Sec. 29-58. License--Required.**

No person shall act or offer to act as a tour guide in the city for hire unless he or she has first passed a written and oral examination and is licensed by the commission as a registered tour guide or a temporary tour guide, and has an annual tour guide card.

(Ord. No. 1983-22, § 9, 5-10-83; Ord. No. 2001-132, § 1, 12-18-01)

**Cross reference(s)**--Licenses, permits and miscellaneous business regulations, Ch. 17.

**Sec. 29-59. Same--Examination for registered tour guide.**

The commission shall have prepared and administered to applicants for registered tour guides' licenses an examination of the applicant's knowledge of the city and its history, which shall be based upon "Tour Guide Notes." Such examinations shall be held at least quarterly. The examination of all persons taking the examination for registered tour guide on the same date shall be uniform.

(Ord. No. 1983-22, § 10, 5-10-83)

**Sec. 29-60. Same--Application for registered tour guide.**

An applicant for a license as a registered tour guide shall provide the director with the following:

- (1) Adequate identification;
- (2) A current driver's license if the applicant is to operate motorized tours or carriage tours;
- (3) A recent photograph;
- (4) A completed certification or affidavit that the applicant has visited all tourist attractions as listed on the tour guide examination;
- (5) A registration fee approved by the city council;
- (6) Such other information as the commission may from time to time require.

(Ord. No. 1983-22, § 11, 5-10-83; Ord. No. 1998-174, § 11, 9-22-98)

**Sec. 29-61. Same--Issuance for registered tour guide.**

Upon successfully meeting all the requirements of sections 29-58 through 29-60 of this article, the applicant shall be issued a photographic identification card by the director of tourism as a registered tour guide which must be visible at all times when conducting tours. The identification card shall remain the property of the city and must be returned upon expiration, revocation or suspension.

(Ord. No. 1983-22, § 12, 5-10-83)

**Sec. 29-62. Same--Conditions for issuance of temporary tour guide license; issuance.**

- (a) The director of tourism shall issue licenses for temporary tour guides under the following conditions:
  - (1) Temporary tour guides must be sponsored and employed by persons who operate vehicles for which certificates of appropriateness have been issued;
  - (2) The applicant must satisfactorily pass a temporary tour guide test which shall be administered by the director of tourism when requested, consistent with the office of tourism schedules.
  - (3) The applicant must comply with the provisions of section 29-60 of this chapter;
  - (4) The temporary license shall be valid until the time of the administering of the next regularly scheduled registered tour guide exam, for a period of six (6) months or until the termination of employment by the sponsoring employer, whichever shall first occur; provided, however, that anyone receiving a temporary license within two (2) weeks of the next regularly scheduled registered tour guide exam and who fails such exam, may retain such temporary license until the time of the administering of the second regularly scheduled registered tour guide exam after the issuance of the temporary license, for a period of six (6) months after the issuance of the temporary license or until the termination of employment by the



sponsoring employer, whichever shall first occur;

- (5) The temporary license is nonrenewable, and no temporary tour guide license shall be issued to an individual who has previously held such a license;
  - (6) The sponsoring employer must prepare and file with the director a script to be used by the temporary tour guide, which script must be approved for accuracy by the commission;
  - (7) No temporary license shall be issued if the number of temporary tour guides employed by a sponsoring company exceeds fifty (50) per cent of the number of registered tour guides employed by that company. Should strong extenuating circumstances prevent a company from meeting the fifty (50) per cent requirement, the commission may consider granting a waiver for a specific limited time period.
- (b) Upon successfully meeting all the requirements, the applicant shall be issued a photographic identification card as a temporary tour guide which must be visible at all times when acting as a tour guide. The word "temporary" shall be prominently displayed on the license.

(Ord. No. 1983-22, §§ 15, 16, 5-10-83; Ord. No. 1986-49, § 1, 5-27-86)

**Sec. 29-63. Same--Revocation.**

- (a) Failure to abide by the provisions of this chapter or any of the ordinances of the city or laws of the state in any manner affecting or regulating the activities of the licensee while acting as a tour guide shall be grounds for the suspension for a reasonable time or the revocation of a registered tour guide or a temporary tour guide license.
- (b) If in the opinion of the tourism director, a license should be suspended or revoked, he shall give written notice to the holder thereof, by certified mail, of the right to appear before the commission and show cause why the certificate should not be suspended or revoked.

(Ord. No. 1983-22, § 17, 5-10-83)

**Sec. 29-64. Same--Expiration of registered tour guide license; reexamination.**

The license of a registered tour guide shall expire on the third anniversary after its issuance. An applicant for reissuance of a license after expiration shall be treated as a new applicant and shall comply with all the provisions of this chapter then in effect including the requirement of examination; provided, however, that, a licensee who has paid the annual fee during each of the three (3) years and has successfully completed such continuing education programs as are required by the commission by regulation, shall be entitled to renew the license without reexamination.

(Ord. No. 1983-22, § 14, 5-10-83; Ord. No. 1998-174, § 12, 9-22-98)

**Sec. 29-65. Continuing education.**

The commission shall maintain a list of sources on the history of the city and

shall offer continuing education programs and encourage tour guides to participate therein.

(Ord. No. 1983-22, § 13, 5-10-83)

**Sec. 29-66. Reporting requirements.**

All businesses, or tour guides, conducting tours for hire shall file on a monthly basis, in a format required by the office of tourism management, the number of tours conducted and the number people involved in each tour.

(Ord. No. 1998-174, § 13, 9-22-98)

Secs. 29-67--29-80. Reserved.

**ARTICLE IV. TRANSPORTATION BY MOTOR VEHICLE FOR PURPOSES OF TOURING\***

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**\*Editor's note**--Ord. No. 1998-174, adopted Sept. 22, 1998, substantially amended the various provisions of Art. IV, as noted in the history notes following amended sections. Section 22 of Ord. No. 1998-174 repealed former Div. 6, §§ 29-159--29-29-161, in its entirety which pertained to extra large buses and renumbered former Divs. 7, 8, as 6, 7.

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**DIVISION 1. GENERALLY**

**Sec. 29-81. Restricted to certain vehicles.**

No person shall operate or cause to be operated any motor vehicle for hire for the purpose of conducting tours within the old city district or the old and historic district of the city except in private passenger automobiles, small buses, charter buses and large buses as provided in this chapter.

(Ord. No. 1983-22, § 18, 5-10-83)

Secs. 29-82--29-92. Reserved.

**DIVISION 2. PRIVATE PASSENGER AUTOMOBILES**

**Sec. 29-93. Certificate of appropriateness not required.**

No certificate of appropriateness shall be required for private passenger automobiles.

(Ord. No. 1983-22, § 20, 5-10-83)

**Sec. 29-94. Route limitations.**

There are no route limitations on private passenger automobiles.

(Ord. No. 1983-22, § 21, 5-10-83)

**Sec. 29-95. Registered tour guide required.**

No one other than a registered tour guide may conduct a tour for hire in a private passenger automobile. A tour guide card will be placed in the rear window of the vehicle while touring for hire.

(Ord. No. 1983-22, § 22, 5-10-83)

**Sec. 29-96. Insurance required.**

Private passenger automobiles used in conducting tours for hire must carry liability insurance with medical payments (PIP) coverage in amounts required from time to time by the commission. Such policies shall contain no exclusion of coverage while operating vehicles for hire.

(Ord. No. 1983-22, § 23, 5-10-83)

**Sec. 29-97. Passenger loading and parking.**

Private passenger automobiles need only comply with the ordinances of the city, the laws of the state regulating traffic generally and with the provisions of article VI of this chapter.

(Ord. No. 1983-22, § 24, 5-10-83)

Secs. 29-98--29-108. Reserved.

**DIVISION 3. SMALL BUSES**

**Sec. 29-109. Certificate of appropriateness required.**

No small bus shall operate for touring without a duly issued certificate of appropriateness or without having paid such fee therefor that city council may, from time to time, establish.

(Ord. No. 1983-22, § 26, 5-10-83; Ord. No. 1985-148, § 2, 12-17-85)

**Cross reference(s)**--Licenses, permits and miscellaneous business regulations, Ch. 17.

**Sec. 29-110. Route limitations.**

- (a) Small buses may operate on all streets in the districts, with the exception of brick and cobblestone streets, any public way designated as an alley, lane or court, on Tradd Street, between Meeting and Church Streets, and such streets as may be restricted from such use by the department of traffic and transportation and so designated in the office of tourism.
- (b) The peninsula city shall be divided into zones of operation as may be recommended from time to time by the commission and approved by city council. A map outlining such zones shall be maintained in the office of the director of

tourism.

- (c) Every touring entity having regularly scheduled small bus tours shall submit to the director of tourism the schedule of times it offers small bus tours. The tourism director shall assign to touring entities with regularly scheduled small bus tours a route, per regularly scheduled tour, that must be followed and adhered to by the touring entity on a given tour, and shall continue to do so on an annual basis thereafter upon the issuance or renewal of a certificate of appropriateness. Routes assigned by the tourism director shall be distributed equally among the touring entities submitting schedules to the tourism director.
- (d) Upon being assigned a particular route for a given tour, the touring entity must follow such route and utilize its best efforts to spend equal amounts of time in each zone of operation on the route.
- (e) Those touring entities having small buses, but which do not conduct regularly scheduled tours, must notify the tourism director, at least twenty-four (24) hours in advance of a tour, of its intention to conduct a tour, and shall then be assigned a route which must be followed on such tour.

(Ord. No. 1983-22, § 27, 5-10-83; Ord. No. 1984-171, § 1, 11-13-84; Ord. No. 1985-148, § 3, 12-17-85)

**Sec. 29-111. Tour guide required.**

All tours on small buses must be conducted by a registered or temporary tour guide, and a tour guide card shall be displayed in the lower left hand corner of the front windshield, in plain view clearly visible from outside the vehicle.

(Ord. No. 1983-22, § 28, 5-10-83)

**Sec. 29-112. Passenger loading.**

No small bus shall pick up or discharge passengers at any location on the public streets or public properties of the city except at duly designated passenger loading zones.

(Ord. No. 1983-22, § 29, 5-10-83)

**Sec. 29-113. Parking.**

No small buses shall park at any location on the public streets of the city except at the following locations:

- (a) The Gaillard Municipal Auditorium;
- (b) The visitor information center;
- (c) In designated areas:
  - (1) On North Market Street near Meeting Street;
  - (2) On Wentworth Street near Glebe Street;
  - (3) On the east side of East Battery between Murray Boulevard and South Battery;

- (4) On the west side of Meeting Street between Queen Street and Courthouse Square;
- (5) On the south side of Cumberland Street between Meeting and Church Streets.
- (d) At other locations approved by the department of traffic and transportation with the approval of the committee on traffic and transportation and so designated in the office of tourism.

(Ord. No. 1983-22, § 30, 5-10-83; Ord. No. 1998-174, § 14, 9-22-98)

**Cross reference(s)**--Stopping, standing and parking of motor vehicles generally, § 19-231.

#### **Sec. 29-114. Limitation upon number of small buses in operation.**

There shall not be operated on the streets of the City of Charleston, pursuant to section 29-81, more than thirty-six (36) small buses at any one time. Should the number of persons desiring to operate small buses exceed thirty-six (36), then the director of tourism with the advice of the tourism commission shall devise a lottery or similar system to ensure that all operators have an equal opportunity to operate for reasonable periods of time.

(Ord. No. 1995-487, § 1, 10-10-95; Ord. No. 1998-174, § 15, 9-22-98)

Secs. 29-115--29-124. Reserved.

### **DIVISION 4. ARTICULATED VEHICLES AND THEME VEHICLES--PROHIBITED\***

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**\*Editor's note**--Ord. No. 1998-174, § 16, adopted Sept. 22, 1998, amended former Division 4, §§ 29-125--29-129 in its entirety to read as herein set out. Former Division 4 pertained to charter buses and derived from Ord. No. 1998-32, §§ 23--36, 5-10-83; Ord. No. 1985-148, § 4, 12-17-85.

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#### **Sec. 29-125. Findings of council.**

- (a) City council hereby makes the following finding of fact:
  - (1) The number of persons using the public streets in the Old and Historic District and the Old City District (the districts) in the recent years has increased dramatically due to an expanded commercial use and the growing tourism industry. As a result, the streets in the districts have increased congestion because of a rise in the number of vehicles, motorized and pedestrian, using the streets.
  - (2) To protect the historic and traditional ambiance of the districts, which not only promotes the welfare of the residents living therein, but also the welfare of the community at large due to the economic benefits generated by a viable and healthy tourism industry, and to promote and protect the safety of those using the streets in the districts, whether they be visitors

or citizens, city council finds it necessary to restrict access to the streets in the districts to certain vehicles.

- (3) Articulated vehicles and theme vehicles, as defined in section 29-2, are, by their design and nature, distracting, elongated, slow moving, bulky and cumbersome and, by their appearance, not in keeping with the ambiance of the Old City District or Old and Historic District.
- (4) Control of access to and from such vehicles by users or pedestrians to and from the sidewalks or public streets is not readily manageable, thereby posing a potential danger for those using the vehicles and for those using the streets and sidewalks, be they pedestrians or persons in or on other vehicles.
- (5) Articulated vehicles and theme vehicles on the streets of the Old City District and Old and Historic District would be detrimental to the ambiance and environment of the districts, and would add to congestion in the streets and would greatly inconvenience, if not endanger, users of the streets and sidewalks in the districts, all to the detriment of the character of the districts, the residents of the districts and the visitors to the districts.
- (6) It is in the public interest, and for the public safety and welfare, that the streets in the districts, and the users thereof be protected from unreasonable encroachments or vehicles which hinder travel or which pose dangers or distractions which give rise to accidents and inconvenience.

(Ord. No. 1998-174, § 16, 9-22-98)

**Sec. 29-126. Articulated vehicles prohibited.**

It shall be unlawful for any person to operate or utilize, or cause to be operated or utilized, any articulated vehicle in, on, or alongside the public streets of the Old City District and Old and Historic District.

(Ord. No. 1998-174, § 16, 9-22-98)

**Sec. 29-127. Theme vehicles prohibited.**

It shall be unlawful for any person to operate or utilize, or cause to be operated or utilized, any theme vehicle in, on, or alongside the public streets of the old city district and the old and historic district for the purpose of conducting tours except as hereinabove provided.

(Ord. No. 1998-174, § 16, 9-22-98)

Secs. 29-128--29-140. Reserved.

**DIVISION 5. LARGE BUSES**

**Sec. 29-141. Certificate of appropriateness not required.**

No certificate of appropriateness shall be required for large buses.

(Ord. No. 1983-22, § 38, 5-10-83)

**Cross reference(s)**--Licenses, permits and miscellaneous business regulations, Ch. 17.

**Sec. 29-142. Special permit required.**

No large buses may conduct a tour in the districts without a touring permit duly authorized by the tourism director. A separate permit shall be required for each trip into the districts. At all times during the tour, the permit shall be displayed in the front window of the vehicle. The number of permits in use at any one time may be limited by the tourism director in coordination with the director of traffic and transportation for the purpose of traffic management. Advance requests for permits may be granted by the tourism director.

(Ord. No. 1983-22, § 39, 5-10-83)

**Cross reference(s)**--Licenses, permits and miscellaneous business regulations, Ch. 17.

**Sec. 29-143. Route limitations.**

Large buses may operate only on the perimeter route so designated in the office of tourism, and incorporated herein by reference; provided, however, large buses may also operate in a westerly direction on Broad Street to Meeting Street and in a northerly direction on Meeting Street, South of Calhoun Street, but not between the hours of 4:30 p.m. and 6:00 p.m., except on Saturdays, Sundays and legal holidays.

(Ord. No. 1983-22, § 40, 5-10-83)

**Sec. 29-144. Tour guide required.**

All tours on large buses must be conducted by a registered tour guide, and a tour guide card shall be displayed in the lower left hand corner of the front windshield, in plain view clearly visible from outside the vehicle.

(Ord. No. 1983-22, § 41, 5-10-83)

**Sec. 29-145. Passenger loading for large buses.**

No large buses shall pick up or discharge passengers on the public streets or public properties of the city except at the following locations:

- (a) At any legal parking space for buses north of Calhoun Street;
- (b) At the visitor information center;
- (c) In designated spaces:
  - (1) On East Bay Street near the Exchange Building;
  - (2) On Murray Boulevard near King Street;
  - (3) On Wentworth Street near Glebe Street;
  - (4) On John Street between Elizabeth and Meeting Streets;

- (5) On the northwest corner of Broad and Church Streets;
- (6) At other locations approved by the department of traffic and transportation with the approval of the city council committee on traffic and transportation and so designated in the office of tourism.

(Ord. No. 1983-22, § 42, 5-10-83; Ord. No. 1998-174, § 17, 9-22-98)

**Sec. 29-146. Permitted transportation for nontouring purposes.**

Other than as set forth in section 29-143, large buses may enter the districts only upon the issuance of a permit by the tourism director and only for the purpose of transporting passengers to or from a single designated point, such as hotels, restaurants, the visitor information center or the tour boat facility. The permit shall specify the route to and from the designated delivery and pickup points at the time of such transportation and must be designated in the front window of the vehicle. Upon discharge of passengers, such buses must depart the districts and may reenter only to pick up passengers for departure from the district. The route and time of transportation shall be at the discretion of the tourism director upon consideration of such factors as traffic, the width of streets and the number of such permits in use. Advance requests for permits may be granted by the tourism director. No permit shall be required to transport passengers to or from the City Marina via Lockwood Drive.

(Ord. No. 1983-22, § 43, 5-10-83)

**Sec. 29-147. Parking.**

No large bus shall park at any location on the public streets or public parking facilities in the districts except at the following locations:

- (a) The Gaillard Municipal Auditorium;
- (b) At other locations approved by the department of traffic and transportation with the approval of the city council committee on traffic and transportation and so designated in the office of tourism.

(Ord. No. 1983-22, § 44, 5-10-83; Ord. No. 1998-174, § 18, 9-22-98)

**Sec. 29-148. Day Light Savings Time perimeter route limits.**

The office of tourism management shall issue no more than six (6) permits per hour between the hours of 9:00 a.m. to 12:00 p.m. and 2:00 p.m. to 4:30 p.m. to large buses for the purpose of touring. Between the hours of 12:00 p.m. and 2:00 p.m. and 4:30 p.m. and 6:00 p.m. no more than four (4) permits shall be issued to large buses.

(Ord. No. 1998-174, § 19, 9-22-98)

**Sec. 29-149. Eastern Standard Time perimeter route limits.**

The office of tourism management shall issue no more than six (6) permits per hour between the hours of 9:00 a.m. to 12:00 p.m. and 2:00 p.m. to 4:30 p.m. to large buses for the purpose of touring. Between the hours of 12:00 p.m. and 2:00 p.m. and 4:00 p.m. and 5:00 p.m. no more than four (4) permits shall be issued to large buses for



the purpose of touring.

(Ord. No. 1998-174, § 20, 9-22-98)

**Sec. 29-150. Perimeter routes.**

There is hereby established two (2) perimeter zones for large buses conducting tours. One zone shall begin north of Calhoun Street and end south of Calhoun Street. The other zone shall begin south of Calhoun Street and end north of Calhoun Street. Any permit issued to large tour buses shall be done so in alternating fashion so that no permits are issued consecutively in the same zone.

(Ord. No. 1998-174, § 21, 9-22-98)

Secs. 29-151--29-172. Reserved.

**DIVISION 6. SCHOOL BUSES, CHURCH BUSES AND RECREATIONAL VEHICLES**

**Sec. 29-173. Touring limitation.**

- (a) Recreational vehicles, school buses and church buses twenty-five (25) feet or less in length may travel freely in the districts, but must park in compliance with applicable ordinances of the city, specifically, section 19-237 of the City Code prohibiting vehicles over twenty (20) feet in length from parking on public streets for more than one hour, and section 19-238 of the City Code prohibiting camping in any vehicle on public streets, in accordance with the laws of the state regulating traffic generally and with the provisions of article VI of this chapter.
- (b) School buses, church buses or recreational vehicles over twenty-five (25) feet in length may transport passengers for the purpose of touring at any time in the districts, but only on the perimeter route or charter route as determined by the size of the vehicle. Such vehicles shall not stop or stand and may only park at bus parking spaces at the George M. Lockwood Marina, the Gaillard Municipal Auditorium, the SC State Ports Authority Passenger Terminal or other locations authorized by the department of traffic and transportation with the approval of the city council committee on traffic and transportation.

(Ord. No. 1983-22, § 49, 5-10-83)

Secs. 29-174--29-184. Reserved.

**DIVISION 7. CERTIFICATES OF APPROPRIATENESS\***

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\***Cross reference(s)**--Licenses, permits and miscellaneous business regulations, Ch. 17.

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**Sec. 29-185. When required.**

No small bus or charter bus may be utilized for touring purposes in the district

either by a company engaged in the touring business in the state or made available for charter for such use, without a duly issued certificate of appropriateness which must be permanently affixed to the vehicle in a location designated by the commission.

(Ord. No. 1983-22, § 50, 5-10-83)

**Sec. 29-186. Application.**

- (a) An applicant for a certificate of appropriateness shall provide the director with the following:
  - (1) Adequate identification of the applicant and vehicle;
  - (2) Factory authorized material setting forth the characteristics of the vehicle including its dimensions, weight, passenger capacity, manner of propulsion, described noise level and air pollution characteristics;
  - (3) Color photographs not less than eight (8) inches by ten (10) inches of all four (4) sides of the vehicle or, in the discretion of the tourism director, sketches of a similar make and model, and samples of the color proposed for use on the vehicle;
  - (4) Adequate proof of liability insurance with PIP coverage in an amount as from time to time determined by the commission;
  - (5) If the vehicle is a used vehicle, the tourism director in his discretion may require his visual inspection or that of the commission;
  - (6) A current state department of highways and transportation safety inspection sticker and a license tag;
  - (7) A fee as set by city council; and
  - (8) After approval but prior to issuance of the certificate, a current city business license.
- (b) Upon receipt of the information as set forth in subsection (a)(1) through (7) the director shall submit the application to such subcommittees as may be designated by the commission for the subcommittee's recommendation as to whether the application should be approved. In acting upon and evaluating any application, the designated subcommittee shall utilize the criteria as set forth in section 29-187 of this chapter.
- (c) The recommendation of the designated subcommittee shall only be advisory to the commission, and shall not in any way be construed to bind or otherwise obligate the commission.

(Ord. No. 1983-22, § 52, 5-10-83; Ord. No. 1987-83, § 1, 7-21-87)

**Sec. 29-187. Design standards prerequisite to issuance.**

No certificate of appropriateness shall be issued unless the commission has approved the design and appearance of the vehicle. The commission shall consider among other things the general design and color of the vehicle, specifically the character and appropriateness of the design and color for use in the districts, the age, condition, manner of propulsion, noise level and outward appearance of the vehicle.

(Ord. No. 1983-22, § 51, 5-10-83)

**Sec. 29-188. Transferability.**

A certificate of appropriateness shall be issued on a specific vehicle and for a specific owner and is nontransferable without approval of the commission. The certificate remains the property of the city and must be surrendered upon expiration or revocation.

(Ord. No. 1983-22, § 53, 5-10-83)

**Sec. 29-189. Suspension or revocation.**

- (a) Failure to abide by the provisions of this chapter or any of the ordinances of the city or laws of the state in any manner affecting or regulating the operation of the vehicle for which the certificate is issued, or the failure to maintain a city business license, a current state inspection sticker, vehicle license tags and required insurance shall be grounds for the suspension for a reasonable time or the revocation of a certificate of appropriateness.
- (b) If in the opinion of the tourism director, a certificate of appropriateness should be suspended or revoked, he shall give written notice to the holder thereof, by certified mail, of the right to appear before the commission and show cause why the certificate should not be suspended or revoked.

(Ord. No. 1983-22, § 55, 5-10-83)

**Sec. 29-190. Expiration.**

All certificates of appropriateness shall be granted for a period of one year and shall expire on the anniversary of the date of issue; provided, however, upon compliance with the provisions of section 29-186(1), (4), (6), (7) and (8), the certificate shall be renewed.

(Ord. No. 1983-22, § 54, 5-10-83)

Secs. 29-191--29-200. Reserved.

**ARTICLE V. TRANSPORTATION BY ANIMAL-DRAWN VEHICLES FOR PURPOSES OF TOURING**

**DIVISION 1. GENERALLY**

**Sec. 29-201. Restricted.**

No person shall operate or cause to be operate for hire any vehicle, of whatever nature, drawn by animals for the purpose of conducting tours within the old city district or the old and historic district, except animal-drawn vehicles as provided in this chapter.

(Ord. No. 1983-22, § 56, 5-10-83)

**Editor's note**--Formerly numbered as section 29-202.

**Sec. 29-202. Franchise agreement required; restrictions.**

(a) *Findings of fact:*

- (1) City council finds that certain of the operators of animal drawn vehicles in the old and historic district of the city have begun to utilize aggressive solicitation practices, adjacent to or upon the streets, sidewalks and public properties, urging upon citizens and visitors the use of their services; have abruptly approached citizens and visitors and thrust brochures in their hands, which are often unwanted and end up on the streets and sidewalks; have utilized solicitors, pamphleteers, persons holding signs, hawkers and pullers-in and have even placed fixed structures upon or adjacent to the streets, sidewalks and public properties to solicit business and/or distribute materials urging the use of their services.
- (2) City council further finds that the success of such commercial practices requires that persons congregate and respond to such solicitation, thereby impeding pedestrian and vehicle travel.
- (3) City council further finds that such practices have an adverse impact on the ambiance of the city and its old and historic district; tend to create confrontations with citizens and visitors; adversely impact pedestrian and vehicle traffic flow; create litter; tend to create nuisances; adversely impact the health, safety and well being of the public; and otherwise have a negative impact on the tourism industry and economy of the city.
- (4) City council further finds that it is appropriate that, as a condition of operating animal-drawn vehicles in the old and historic district, all persons must obtain a franchise, and must agree to desist from the aforesaid business practices, which agreement shall be a condition of the franchise.
- (5) City council further finds that the operation of animal drawn vehicles on the public streets is a privilege and not a right and such operation is for the benefit of the public.
- (6) City council further finds in the adoption of this section, that this is part of an ongoing effort to reasonably regulate the conduct of business upon the streets and sidewalks of the central business district and the market area for the benefit of the general public.

(b) *Franchise required:* No person shall operate or cause to be operated upon the streets or sidewalks of the old and historic district of the city any animal-drawn vehicle, without first entering into a franchise agreement with the city. Such franchise agreement shall be for a period of one (1) year and shall be renewable in January of each year, and shall contain the following provisions, which provisions are material and go to the essence of the franchise agreement:

- (1) The franchisee shall maintain a current business license.
- (2) The franchisee shall agree to operate its business strictly in accordance with the ordinances of the city, applicable thereto, as from time to time amended.
- (3) The franchisee shall agree that it will not carry out the following business

practices, or suffer them to be carried out on its behalf, upon the sidewalks, streets and public properties in the old and historic district, or upon private property adjacent to such streets, sidewalks and public properties, but directed at persons upon such streets, sidewalks and public properties:

- a. The distribution of pamphlets or other printed materials to solicit or advertise for business.
  - b. The use of hawkers, pullers-in, pamphleteers, or persons holding signs to solicit or advertise the business or inviting the public to make inquiries to such persons.
  - c. The placement of fixed structures for the purpose of sales, solicitation, hawking, pullers-in, pamphleteering or the support of signage or advertising.
  - d. The parking or storage of animals or equipment on the public streets and sidewalks, except to load or unload passengers in approved loading zones. Nothing herein shall regulate the parking or storage of animals or equipment on private property.
- (4) Nothing herein shall prohibit the solicitation of business immediately alongside an animal-drawn vehicle in an approved loading zone so long as such solicitation is not done in a raucous manner.
- (5) The franchise shall be nonexclusive.
- (6) The franchisee shall agree that, upon the violation of the provisions of this section by the franchisee, its agents, employees, or persons acting on its behalf, the right to operate animal-drawn vehicles in the old and historic district shall be suspended as follows:
- a. Upon two (2) violations within a six-month period, the franchise shall be suspended for a period not to exceed seven (7) days.
  - b. Upon three (3) violations within a one-year period, the franchise shall be suspended for a period not to exceed thirty (30) days.
  - c. Upon four (4) violations within a one-year period, the franchise shall be suspended for a period not to exceed one hundred eighty (180) days.
- (c) *Administration and appeals.* This section shall be administered by the director of tourism. All appeals from an interpretation or determination by the director of tourism shall be made to the tourism commission, within fifteen (15) days of notice of such interpretation or determination. All appeals from an adverse decision by the tourism commission shall be made to the Court of Common Pleas within thirty (30) days of such decision.
- (d) *Execution of agreement.* City council, by the adoption of this section, authorizes the mayor to enter into a franchise agreement with any and all persons who desire to operate animal-drawn vehicles in the old and historic district. Unless otherwise stated, each franchise agreement shall automatically renew on January 1st of every year so long as the franchisee is in good standing.

(Ord. No. 1995-110, § 1, 3-28-95; Ord. No. 1998-174, § 23, 9-22-98; Ord. No. 2001-133, § 1, 12-18-01)

**Editor's note--**Ord. No. 1995-110, § 1, adopted March 28, 1995, enacted provisions designated as following former section 29-201. In order to accommodate the provisions of said ordinance, the editor renumbered former section 29-202 as section 29-201 and added the provisions of Ord. No. 1995-110 as section 29-202.

### **Sec. 29-203. Route limitations.**

Animal-drawn vehicles may operate on all streets or public ways in the district except the following:

- (a) The bricked portion of Church Street, from Water Street to South Battery, and all cobblestone and Belgium block streets;
- (b) Any public way designated as an alley, land or court (excluding St. Michael's Alley which may be used through Friday from 4:00 to 6:00 p.m., excepting legal holidays and Horlbeck Alley which may be used Monday through Friday from 9:00 a.m. to 4:00 p.m. and during regular touring hours on weekends and on legal holidays);
- (c) The following streets:
  - (1) Atlantic Street;
  - (2) Price's Alley;
  - (3) Rope Maker's Lane;
  - (4) Bedons Alley;
  - (5) Ladson Street;
  - (6) Big Lamboll Street;
  - (7) Water Street (from Church to Meeting Streets);
  - (8) Church Street (from Tradd to Water Street);
  - (9) Broad Street (West of State Street) from 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., Monday through Friday, excepting legal holidays;
  - (10) Meeting Street (North of Broad Street) from 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., Monday through Friday, excepting legal holidays;
- (d) On such streets or at such times as are restricted for such use by the department of traffic and transportation with the approval of the city council committee on traffic and transportation and so designated in the office of the commission.

(Ord. No. 1983-22, § 59, 5-10-83; Ord. No. 1986-88, § 1, 8-19-86; Ord. No. 1993-58, § 9, 4-27-93)

### **Sec. 29-204. Drivers.**

All drivers of animal-drawn vehicles shall have a current automotive vehicle drivers license and demonstrate competence in handling animal-drawn vehicles. All drivers of animal-drawn vehicles shall be required to pass an animal-drawn vehicle competency examination which will satisfy the city that the driver is knowledgeable and capable of handling horses and animal-drawn vehicles in emergency situations.

(Ord. No. 1983-22, § 60, 5-10-83; Ord. No. 1993-58, § 7, 4-27-93)

**Sec. 29-205. Tour guide required.**

All tours on animal-drawn vehicles must be conducted by a registered or temporary tour guide.

(Ord. No. 1983-22, § 61, 5-10-83)

**Sec. 29-206. Gatekeeper loading and medallion issuance procedure.**

- (a) The city shall establish a central location at the corner of North Market and Church Streets for the distribution of medallions to be issued in the conduct of tours in the zones of operation as established pursuant to section 29-208 of the Code of the City of Charleston. The central location point shall be designated as the "gate" which will consist of a structure to be occupied by a city employee authorized to issue medallions for touring as provided herein, said employee to be more commonly referred to as the "gatekeeper". The gate loading procedure shall require an animal-drawn vehicle to load and discharge passengers as herein provided and to pass through the gate to receive a medallion. This medallion shall indicate the zone in which the animal-drawn vehicle shall conduct its tour. The zone designation shall be obtained by random selection by the gatekeeper as hereinafter provided. The medallion shall be issued by the gatekeeper and affixed to the back of the animal-drawn vehicle. Upon completion of the tour, the medallion shall be returned to the gatekeeper by the driver or company representative of the animal-drawn vehicle having been issued the medallion. A medallion shall be returned to the gatekeeper no later than seventy-five (75) minutes after its issuance.
- (b) Animal-drawn vehicles shall load and discharge passengers at the city's two (2) central loading zones, one of which is located on Anson Street between North Market Street and Pinckney Street and the other loading zone which is located on Church Street between North Market Street and Pinckney Street, provided that an animal-drawn vehicle shall be able to load and discharge passengers on private property that is owned or operated by its company and provided that the said private loading zone is within the Market zone which is described as the area lying between Pinckney Street to the north; Cumberland Street to the south; East Bay Street to the east; and Meeting Street to the west.
- (c) The gate shall operate between the hours of 8:00 a.m. through 6:30 p.m. during eastern standard time and from 8:00 a.m. and 7:30 p.m. during daylight savings time. During eastern standard time, medallions shall be issued until 5:30 p.m. and shall be returned by 6:30 p.m. During daylight savings time, medallions shall be issued until 6:30 p.m. and shall be returned by 7:30 p.m., provided no animal-drawn vehicle shall be allowed to conduct a tour in a residential zone after 7:00 p.m.

- (d) Animal-drawn vehicles shall be permitted to remain in a loading zone no longer than fifteen (15) minutes prior to entering the gate to receive a medallion. If a medallion is not issued to a vehicle which has been in the loading zone for fifteen (15) minutes, the said vehicle shall move to the rear of the loading zone and wait in line to enter the gate and receive a medallion.
- (e) A special tour, which is defined as a tour that has been scheduled in advance by the director of tourism, shall require a medallion before the said special tour can be conducted. A special tour must also utilize the city's loading zone or private property for loading and discharging passengers as provided herein.
- (f) A night tour, which shall be defined as a tour that is conducted after 6:30 p.m. in the commercial district only, shall not require the issuance of a medallion.

(Ord. No. 1983-22, § 62, 5-10-83; Ord. No. 1993-58, § 1, 4-27-93)

**Sec. 29-207. Design standards.**

Animal-drawn vehicles shall be authentically styled passenger carriages. Wagons which patently were designed for cargo instead of passengers will not be approved. Carriages must not exceed twelve (12) feet in length or six (6) feet in width. Carriages will be measured from end to end, excluding the steps and shafts; and, from axle tip to axle tip. No part of the carriage may be over six (6) feet in width; provided, however, any certificated carriage which was in use as of January 1, 1982, and no longer than thirteen (13) feet may continue in use.

(Ord. No. 1983-22, § 63, 5-10-83; Ord. No. 1998-174, § 24, 9-22-98)

**Sec. 29-208. Zones of operation.**

- (a) The peninsula city shall be divided into zones of operation as may be recommended from time to time by the commission and approved by city council. A map outlining such zones shall be maintained in the office of the director of tourism.
- (b) Based upon traffic studies, industry input and observations and experience of the commission, the maximum number of animal drawn vehicles to be allowed to operate in a given zone may be restricted, all as may be recommended by the commission and approved by city council.
- (c) The right to operate in Zones 1, 2 and 3 shall be made available to touring entities having animal drawn vehicles for which certificates of appropriateness have been issued as follows:
  - (1) Through the use of the gate and gatekeeper procedure as hereinabove defined, the gatekeeper shall utilize a bingo machine and twenty (20) pingpong balls, six (6) of which shall be designated for Zone 1, six (6) of which shall be designated for Zone 2, and eight (8) of which shall be designated for Zone 3, to randomly select a ball with a designated zone destination marked thereon, and that upon selection, the ball shall be removed from the bingo machine and replaced when the medallion is returned.
  - (2) When a medallion is issued, the gatekeeper shall record the company's



name, the animal-drawn vehicle drivers' name, medallion number and the time that it is issued. No animal-drawn vehicle shall be issued more than one (1) medallion within forty-five (45) minutes from the time of issuance of the first medallion. When the medallion is returned, the check-in time shall be recorded by the gatekeeper. The gatekeeper shall verify that the maximum check-out time has not been exceeded.

- (3) A medallion shall be returned to the gatekeeper no later than seventy-five (75) minutes from the time of its issuance.

(Ord. No. 1985-148, § 5, 12-17-85; Ord. No. 1986-49, § 2, 5-27-86; Ord. No. 1993-58, § 4, 4-27-93)

**Sec. 29-209. Diapering apparatus required.**

It shall be unlawful for any person, firm, corporation or other entity to utilize any animal for the purpose of pulling any vehicle on city streets unless such animal is equipped with diapering apparatus that prevents the droppings of such animal from being deposited or otherwise left on city streets. It shall be the responsibility of the person, firm, corporation or other entity utilizing any animal for the purpose of pulling a vehicle to see that the diapering apparatus is maintained in working order. Further, every carriage shall be equipped with two-way radio communications systems and flags to identify areas in need of sanitation.

(Ord. No. 1987-82, § 1, 7-21-87; Ord. No. 1998-174, § 25, 9-22-98)

**Sec. 29-210. Number of medallions to be issued.**

- (a) The city shall authorize a total of twenty (20) medallions to be distributed as follows:

Zone 1.....6

Zone 2.....6

Zone 3.....8

- (b) The medallions shall be labeled with a serial number as follows:

Zone 1 Serial Nos. 1--15

Zone 2 Serial Nos. 16--30

Zone 3 Serial Nos. 31--45

(Ord. No. 1993-58, § 3, 4-27-93)

**Sec. 29-211. Fees.**

- (a) Each animal-drawn vehicle company authorized to do business within the City of Charleston shall be assessed an annual fee of seventeen thousand five hundred dollars (\$17,500.00) to operate a carriage business in the City of Charleston.

This fee will allow a company to have one (1) animal-drawn vehicle in the central loading zone at any given time.

- (b) Each animal-drawn vehicle company shall be assessed a fee of three dollars (\$3.00) each time one of its animal-drawn vehicles receives a medallion at the gate. The company shall be billed on a monthly basis.
- (c) A company which operates an animal-drawn vehicle business in the City of Charleston shall be assessed a monthly sanitation fee in a sum to be assessed by the director of tourism, which fee shall be paid before the company shall be allowed to participate in the gatekeeper system, said fee to be billed to the company on a monthly basis.

(Ord. No. 1993-58, § 5, 4-27-93)

**Editor's note**--Ord. No. 1993-58, § 5, adopted April 27, 1993, enacted a new section 29-212. In order to better conform to the organization of the Code, the editor has redesignated the provisions of § 5 of Ord. No. 1993-58 as § 29-211.

**Secs. 29-212--29-218. Reserved.**

## **DIVISION 2. CERTIFICATE OF APPROPRIATENESS**

### **Sec. 29-219. Required.**

No animal drawn vehicle shall operate without a duly issued certificate of appropriateness and without having paid such fee therefor as city council may, from time to time, establish. The certificate of appropriateness must be permanently affixed to the vehicle in a location approved by the commission.

(Ord. No. 1983-22, § 58, 5-10-83; Ord. No. 1985-148, § 5, 12-17-85)

### **Sec. 29-220. Application; inspection.**

- (a) An applicant for a certificate of appropriateness shall provide the director with the following:
  - (1) Adequate identification of the applicant and animal-drawn vehicle and proof of ownership;
  - (2) Material setting forth the characteristics of the vehicle including its dimensions, weight, passenger capacity;
  - (3) Color photographs not less than eight (8) inches by ten (10) inches of all four (4) sides of the vehicle or, in the discretion of the tourism director, sketches of a similar make and model, and samples of colors proposed for use on the vehicle;
  - (4) Adequate proof of liability insurance with PIP coverage in an amount determined by the commission;
  - (5) Satisfactory proof of health inspections of the animal(s) to be used in drawing the vehicle and the stables wherein such animal is housed;
  - (6) A fee as set by city council;

- (7) After approval but prior to the issuance, a current city business license;
  - (8) Evidence of satisfactory annual safety and appearance inspection of tack and equipment including devices that prevent droppings from being left on city streets.
- (b) Upon receipt of the information set forth in subsection (a)(1)--(6) and (8), the director shall submit the application to such subcommittee as may be designated by the commission for the subcommittee's recommendation to the commission as to whether the application should be approved. In acting upon and evaluating any application, the designated subcommittee shall consider the design standards as set forth in section 29-207 of this chapter, as well as the proposed color of the vehicle.
  - (c) The recommendation of the designated subcommittee shall only be advisory to the commission and shall not in any way be construed to bind or otherwise obligate the commission, it being the intention hereof to accord the commission the right to independently evaluate applications based upon the design standards set forth in section 29-207 and upon the proposed color of the vehicle.
  - (d) Nothing herein shall be construed so as to prohibit the director or the designated subcommittee or the commission from requiring visual inspection of the vehicle.
- (Ord. No. 1983-22, § 64, 5-10-83; Ord. No. 1987-83, § 2, 7-21-87)

**Sec. 29-221. Transferability.**

A certificate of appropriateness required by this division shall be issued on a specific vehicle and for a specific owner and is not transferable. The certificate remains the property of the city and must be surrendered upon expiration or revocation.

(Ord. No. 1983-22, § 65, 5-10-83)

**Sec. 29-222. Suspension or revocation.**

- (a) Failure to abide by the provisions of this chapter or any of the ordinances of the city or laws of the state in any manner affecting or regulating the operation of the vehicle for which the certificate is issued, or the failure to maintain a current state inspection sticker, vehicle license tags and required insurance shall be grounds for the suspension for a reasonable time or the revocation of a certificate of appropriateness issued under this division.
- (b) If, in the opinion of the tourism director, a certificate of appropriateness should be suspended or revoked, he shall give written notice to the holder thereof, by certified mail of the right to appear before the commission and show cause why the certificate should not be suspended or revoked.

(Ord. No. 1983-22, § 67, 5-10-83)

**Sec. 29-223. Expiration.**

All certificates of appropriateness shall be granted for a period of one year and shall expire on the anniversary of the date of issuance; provided, however, upon compliance with the provisions of section 29-186(1), (4), (6), (7) and (8), the certificate

shall be renewed.

(Ord. No. 1983-22, § 66, 5-10-83)

Secs. 29-224--29-234. Reserved.

## **ARTICLE VI. TOURING REGULATIONS GENERALLY**

### **Sec. 29-235. Maintenance of traffic flow.**

No vehicle of any kind in the conduct of a tour shall stop or stand for description purposes but shall remain in and be part of the normal traffic flow; provided, however, slower moving vehicles shall safely pull temporarily to the side so as to prevent unnecessary delays to following traffic; and provided, further, animal-drawn vehicles are permitted to temporarily pull to the side of streets, out of the traffic flow, for description purposes.

(Ord. No. 1983-22, § 68, 5-10-83)

### **Sec. 29-236. Hours of operation.**

No person or entity shall conduct a tour in a small bus, large bus or animal-drawn vehicle or on foot prior to 9:00 a.m. and after 6:00 p.m. Day Light Savings Time or 5:00 p.m. Eastern Standard Time, in residential areas zoned SR, STR, or DR on the city zoning map on file in the office of zoning.

(Ord. No. 1983-22, § 69, 5-10-83; Ord. No. 1993-58, § 8, 4-27-93; Ord. No. 1994-402, § 1, 11-8-94; Ord. No. 1998-174, § 26, 9-22-98)

### **Sec. 29-237. Temporary traffic alterations.**

The tourism director, with the consent of the director of traffic and transportation, may temporarily alter the routes of travel and parking limitations of this chapter as well as the trip limitation provisions of sections 29-126, 29-146, 29-160.

(Ord. No. 1983-22, § 70, 5-10-83)

### **Sec. 29-238. Touring by non-certified small buses and charter buses.**

Small buses and charter buses which have not been granted certificates of appropriateness may transport passengers for the purpose of touring for hire in the districts, but only on the perimeter route. Such buses must receive the permit required by section 29-142 of this chapter and must comply with the remaining provisions of sections 29-142 through 29-147 of this chapter.

(Ord. No. 1983-22, § 71, 5-10-83)

### **Sec. 29-239. Limitations on engine idling.**

No buses may park with engines idling for more than five (5) minutes in residential areas.

(Ord. No. 1983-22, § 72, 5-10-83)

**Sec. 29-240. Reserved.**

**Editor's note**--Ord. No. 1998-174, § 27, adopted Sept. 22, 1998, repealed former section 29-240 in its entirety which pertained to restrictions on the operation of theme vehicles and derived from Ord. No. 1995-488, § 3, adopted Oct. 10, 1995.

Secs. 29-241--29-260. Reserved.

**ARTICLE VII. WALKING TOURS\***

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**\*Editor's note**--Ord. No. 1998-174, § 28, adopted Sept. 22, 1998, amended former Art. VII, §§ 29-261--29-275, in its entirety to read as herein set out. Former Art. VII pertained to rickshaws and derived from Ord. No. 1992-23, § 1, adopted Feb. 25, 1992; Ord. No. 1995-425, §§ 2, 3, 9-12-95)

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**Sec. 29-261. Limits on size; additional tour guides.**

- (a) All walking tours conducted from the public right-of-way shall consist of no more than twenty (20) persons per group, excluding the tour guide. Any walking tour conducted from the public right-of-way consisting of more than twenty (20) people shall be divided into more than one group and shall be accompanied by an additional person, known as an escort, who may or may not be a licensed tour guide. Each group shall take different routes to the same destination or maintain sufficient distance between another group so as not to impede pedestrian traffic. This section shall not apply to school groups.
- (b) Further, the provisions of this section shall not apply to tours conducted off the public right-of-way when use of the public right-of-way is only incidental to conducting a tour. Use of the public right-of-way is incidental to conducting a tour when the public right-of-way is used for transportation purposes only and no tours are being conducted from the right-of-way. Further, this section shall not apply to tours conducted within city buildings or within city parks.

(Ord. No. 1998-174, § 28, 9-22-98)

**Sec. 29-262. Amplifying devices prohibited.**

The use of an amplifying device while conducting a walking tour is prohibited.

(Ord. No. 1998-174, § 29, 9-22-98)